IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 348 of 2005

JAMNALAL
V/S
NAINARAM & ORS

Mr. RAVI BHANSALI, for the appellant / petitioner

Date of Order : 24.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned Judgment. All that has been contended, is that the compensation awarded is inadequate.

I have considered the submissions, and gone through the impugned Judgment, and find that, it appears from the Judgment, that claimants have tried to exaggerate the claim, so much so, it is deposed in the statement that he has suffered fractures, and his limbs got bent, for which there is no material on record. The so-called medical disability certificate Ex.9 is sought to be proved from the evidence of AW-2 Dr.N.K.Narwani, but then a combined reading of certificate and the statement, show that certificate does not mention any extent of permanent disablement, and in the statement, though the doctor has deposed about the partial disablement, but at the same time, significantly, perception and knowledge of the doctor is, that according to him every fracture causes permanent disablement, in such circumstances, it cannot be said that claimant is proved to have suffered permanent partial disablement on account of injuries, said to have been suffered in the accident.

In that view of the matter, when the learned Tribunal has found the claimant to be entitled to a compensation of Rs. 30,000/- for the injuries suffered, while awarding other amount admissible under other heads, it cannot be said, that compensation is shockingly low, requiring interference in appeal.

The appeal thus has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

/Srawat/